

From: [REDACTED]
Sent: Monday, July 09, 2012 4:40 PM
To: Wessel, Ann (ECY)
Subject: Dungeness Proposed Rule Comments

Comments for the record on the Dungeness Water Rule:

From [Tom Shindler](#)

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To: Department of Ecology
Bellingham Field Office
Attn: Ann Wessel
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I agree that regulation, technology and development must be fostered to preserve, and in some cases enhance, stream flows in the Dungeness basin, and to guarantee recharge of the aquifer over the long term. Those who say we can continue withdrawing groundwater without limits are dangerously in denial, as nature's limits will be imposed in a very negative way if humans don't impose proactive limits.

However, I strongly disagree with the use of the exchange, and the trading of water rights, money and mitigation as the method to reach the important goals.

As the lead GIS staff person with Clallam County at the time of the formation of this process, I have seen how the basic assumptions and baseline data were generated. This comment is my own personal opinion, but has been informed by my county work.

As I see the issue, both qualitatively and quantitatively, I believe that the water rule and the exchange process being proposed are NOT the most effective way to reach the stated objective. Though I am a fan of using market mechanisms (as the exchange would do) for allocation of communal resources, such mechanisms are only appropriate if the transaction costs are minimal compared to the values being traded. Also, to be fair and effective, a market must also be inclusive of all those who receive benefits, or incur costs from the transactions in the market.

The proposed water rule fails both tests. It will have a large overhead cost compared to the value of the water rights being transacted. It also excludes many beneficiaries from the market, imposing those costs disproportionately on others.

I believe the same objectives can be met more simply and equitably with the following proposal. I urge you to consider offering the citizens of Clallam County the OPTION to accept an alternative like this instead:

1. Secure agreement from Clallam County to limit future development in this basin to that which is presently allowed. This will limit the additional water needed to supply this future development to about 2 CFS, which is an amount of water use that can practically be mitigated.
2. Establish an Aquifer Protection District within the boundaries of the proposed water rule area. Enable this district to assess a small charge to each property to fund a basin-wide mitigation fund. Match that money with State funds, since significant benefits will return to all the citizens of the state.
3. Use this fund to create the projects envisioned for funding by the mitigation process within the current water rule proposal.
4. Lobby the legislature to scale back the amount of water use allowed by an exempt well. 200-500 gallons/day would be more than enough. Anything more should require water rights. 5,000 is absolutely unnecessary, especially in light of the draconian measures envisioned in the water rule.

The above measures form my POLITICAL alternative to the currently proposed Water Rule. I believe it would accomplish at least as much as the proposed rule, with less public and private cost, and a fraction of the political strife. The following are ideas for the physical solutions:

Foremost among mitigation projects should be a network of diversions, pipelines, and infiltration structures designed to withdraw water from surface streams ONLY when the levels are significantly higher than those needed for maintaining healthy stream flows, and infiltrate that water into the aquifer. This would provide aquifer recharge comparable to that which was formerly provided by the un-lined irrigation ditch network, without threatening the low flows of the streams in the basin.

This alternative would have a fraction of the overhead that the exchange would require, and by spreading a small assessment across the water users in the entire basin, would be more equitable at generating the same level of funding. I believe that if this alternative were offered to the voters of the Dungeness Basin, they would vote to impose this fee upon themselves. The same benefits would be achieved, fairly, and with a smaller cost.

Finally, as I listened to the testimony in Sequim last week, I felt that government credibility is on the line here in a very consequential way. As a government employee trying to fairly and helpfully administer development regulations, I know the damage that is done by governmental over-reaching, even if the reasons are well-meaning. The backlash to this proposal as written could be worse than the no-action alternative. We need the citizens of Clallam County to continue to trust government action, and this proposal, when other alternatives are available, will seriously damage that trust, making all future efforts to protect our environment more difficult.

Thank you for considering my views,

Tom Shindler



